



NEW YORK  
CITY BAR

**REPORT ON LEGISLATION BY  
THE ANIMAL LAW COMMITTEE**

**A.5642**

**M. of A. Brabenec**

AN ACT to amend the executive law, in relation to establishing the animal abuse hotline.

**THIS LEGISLATION IS SUPPORTED WITH RECOMMENDATIONS**

**I. SUMMARY OF THE PROPOSED LEGISLATION**

The proposed legislation<sup>1</sup> would amend New York's Executive Law to require the New York State Attorney General to establish a 24-hour toll-free hotline for reporting animal abuse. The Attorney General would administer the hotline directly<sup>2</sup> or else designate a non-governmental organization specializing in animal protection to administer it. When the hotline receives any allegation that could reasonably constitute a reportable incident, the hotline must accept and immediately transmit notice of the report orally and electronically to any appropriate state agencies, local law enforcement agency or non-governmental organization specializing in animal protection.

The proposed legislation would take effect 180 days after enactment.

**II. REASONS FOR SUPPORT**

The New York City Bar Association's Animal Law Committee supports the proposed legislation because an animal abuse hotline makes it easier to report, and potentially stop, animal abuse.

Reporting animal abuse is key to ending it.<sup>3</sup> Reporting is particularly important in the case of animals, as they cannot speak for themselves. Further, many abused companion animals spend

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<sup>1</sup> A.5642, the Assembly bill, is available at [https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=A05642&term=2021&Summary=Y&Text=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05642&term=2021&Summary=Y&Text=Y). (All websites cited in this report were last visited on March 5, 2021.)

<sup>2</sup> This is implicit in the bill's text, as the Attorney General's authority to designate a non-governmental organization is discretionary; it need not designate one at all.

<sup>3</sup> See, e.g., Adam J. Fumarola, Comment, *With Best Friends Like Us Who Needs Enemies? The Phenomenon of the Puppy Mill, the Failure of Legal Remedies to Manage It, and the Positive Prospects of Animal Rights*, 6 Buff. Env'tl. **About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

their lives in private settings, often under the same roof as their abusers, who cannot be depended on to report their own cruelty. And while veterinarians can play a critical role in identifying cruelty,<sup>4</sup> New York does not currently require them to report suspected cruelty to the authorities.<sup>5</sup> Not surprisingly, animal cruelty is underreported.<sup>6</sup>

Given the limited number of potential reporters, it is essential that those few in a position to report be able to do so easily. Yet across New York's 62 counties, there are more than 120 different phone numbers for reporting animal cruelty.<sup>7</sup> And although both the New York Attorney General's website and the ASPCA offer help in locating one's local Society for the Prevention of Cruelty to Animals (SPCA)<sup>8</sup> — as does the New York City Bar Association's Animal Law Committee, in its *Guide to Reporting Suspected Animal Cruelty or Neglect in New York State* — it still may be difficult for those with incidents to report to track down the appropriate entity to contact.<sup>9</sup> Even where one has the right contact information, certain SPCAs may be open only during business hours.<sup>10</sup>

A 24-hour statewide hotline for reporting animal cruelty would provide a one-step process for reporting animal cruelty at any time. By creating such a hotline, the proposed legislation potentially helps stop animal abuse.<sup>11</sup>

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L.J. 253, 276-77 (1999), <https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1087&context=belj> (“[I]n order for authorities to be alerted to the existence of cruelty at any given puppy mill, complaints must be made by people aware of the atrocities being committed.”).

<sup>4</sup> Melanie A. Benetato, Robert Reisman, and Emily McCobb, *The Veterinarian's Role in Animal Cruelty Cases*, 238 J. Amer. Vet. Medical Assoc. 31, 33 (2011), <https://avmajournals.avma.org/doi/pdf/10.2460/javma.238.1.31>; see also Phil Arkow, Paula Boyden, and Emily Patterson-Kane, *Practical Guidance for the Effective Response by Veterinarians to Suspected Animal Cruelty, Abuse and Neglect* 20 (Feb. 4, 2011), <https://ebusiness.avma.org/Files/ProductDownloads/AVMA%20Suspected%20Animal%20Cruelty.pdf>.

<sup>5</sup> N.Y. Educ. Law § 6714(3), <https://codes.findlaw.com/ny/education-law/edn-sect-6714.html>.

<sup>6</sup> See, e.g., Humane Society of the United States, *Animal Cruelty Facts and Stats*, [http://www.humanesociety.org/issues/abuse\\_neglect/facts/animal\\_cruelty\\_facts\\_statistics.html](http://www.humanesociety.org/issues/abuse_neglect/facts/animal_cruelty_facts_statistics.html) (noting that most animal cruelty cases are unreported); Michael G. Vaughn et al., Author Manuscript, *Correlates of Cruelty to Animals in the United States: Results from the National Epidemiologic Survey on Alcohol and Related Conditions*, 43 J Psychiatr Res. 1213-19 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2792040/> (referencing a “tendency to underreport animal cruelty”); ASPCA, Press release: ASPCA National Poll Reveals Dogfighting Goes Underreported Despite Hundreds of Thousands of Dogs Being Forced to Fight Nationwide (Apr. 3, 2018), <https://www.aspc.org/about-us/press-releases/aspc-national-poll-reveals-dogfighting-goes-underreported-despite-hundreds>.

<sup>7</sup> New York City Bar Association Animal Law Committee, *A Guide to Reporting Suspected Animal Cruelty or Neglect in New York State* (Jan. 2020), [https://s3.amazonaws.com/documents.nycbar.org/files/2019616ReportingAnimalCrueltyNYState\\_FINAL1.23.20.pdf](https://s3.amazonaws.com/documents.nycbar.org/files/2019616ReportingAnimalCrueltyNYState_FINAL1.23.20.pdf).

<sup>8</sup> N.Y. Attorney General, Animal Protection Initiative, <https://ag.ny.gov/animals>.

<sup>9</sup> Note 7 above.

<sup>10</sup> See, e.g., Allegany County SPCA, <https://spcaallegany.org/>.

<sup>11</sup> Curtailing animal abuse may, in turn, help prevent interpersonal violence. Numerous studies have demonstrated the connection between animal maltreatment and interpersonal violence, including child abuse, elder abuse, and domestic violence — a connection widely known as “the link.” See generally Allie Philips, *Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals* (Jun. 2014), <https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf>; see also Clifton P. Flynn, *Understanding*

### III. RECOMMENDATION

We recommend the following change to Section 2 of the bill:

When any allegation that could reasonably constitute ~~a reportable incident~~ **animal abuse or neglect** is received by the hotline, the hotline shall accept and immediately transmit notice of the report orally and electronically to any appropriate state agencies, local law enforcement agency or non-governmental organization specializing in animal protection.

New York’s Executive Law — where this language would live — defines “reportable incident” as having the same meaning as in Section 488(1) of New York’s Social Services Law.<sup>12</sup> Yet that definition relates to human-related conduct that mandated reporters must report to New York’s Vulnerable Persons Central Register<sup>13</sup>; it has no meaning with respect to animals.

We accordingly recommend that the hotline transmit “any allegation that could reasonably constitute animal abuse or neglect,” rather than “any allegation that could reasonably constitute a reportable incident.”

### IV. CONCLUSION

For the reasons above, the New York City Bar Association’s Animal Law Committee supports the proposed legislation.

Animal Law Committee  
Christopher Wlach, Chair

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Animal Abuse: A Sociological Analysis (2012); The Link Between Animal Abuse and Human Violence (Andrew Linzey ed., 2009); Sara DeGue & David K. DiLillo, *Is Animal Cruelty a “Red Flag” for Family Violence?: Investigating Co-occurring Violence Toward Children, Partners, and Pets*, 24 J. Interpersonal Violence 1036, 1041 (2009); Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention (Frank Ascione & Phillip Arkow eds., 1999); National Link Coalition, Resource Materials, <http://nationallinkcoalition.org/resources/articles-research#toolsforveterinarians> (collecting various resources).

<sup>12</sup> N.Y. Exec. Law § 550, <https://codes.findlaw.com/ny/executive-law/exc-sect-550.html>.

<sup>13</sup> N.Y. Soc. Serv. Law § 488, <https://codes.findlaw.com/ny/social-services-law/sos-sect-488.html>.